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(Amended House Bill No. 223)

ENFORCEMENT DIVISION

Federal Communications Commission  
Office of the Secretary

## AN ACT

To enact sections 4905.71 and 4905.72 of the Revised Code relative to attachments upon the poles, pedestals, and in duct space of telephone, telegraph, and electric light companies and to repeal section 4905.72 of the Revised Code five years after the effective date of this act.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 4905.71 and 4905.72 of the Revised Code be enacted to read as follows:

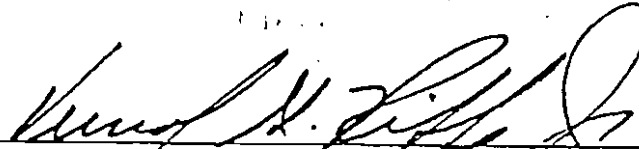
Sec. 4905.71. (A) EVERY TELEPHONE, TELEGRAPH, OR ELECTRIC LIGHT COMPANY, WHICH IS A PUBLIC UTILITY AS DEFINED BY SECTION 4905.02 OF THE REVISED CODE, SHALL PERMIT, UPON REASONABLE TERMS AND CONDITIONS AND THE PAYMENT OF REASONABLE CHARGES, THE ATTACHMENT OF ANY WIRE, CABLE, FACILITY, OR APPARATUS TO ITS POLES, PEDESTALS, OR PLACEMENT OF SAME IN CONDUIT DUCT SPACE, BY ANY PERSON OR ENTITY OTHER THAN A PUBLIC UTILITY THAT IS AUTHORIZED AND HAS OBTAINED, UNDER LAW, ANY NECESSARY PUBLIC OR PRIVATE AUTHORIZATION AND PERMISSION TO CONSTRUCT AND MAINTAIN THE ATTACHMENT, SO LONG AS THE ATTACHMENT DOES NOT INTERFERE, OBSTRUCT, OR DELAY THE SERVICE AND OPERATION OF THE TELEPHONE, TELEGRAPH, OR ELECTRIC LIGHT COMPANY, OR CREATE A HAZARD TO SAFETY. EVERY TELEPHONE, TELEGRAPH, OR ELECTRIC LIGHT COMPANY SHALL FILE TARIFFS WITH THE PUBLIC UTILITIES COMMISSION CONTAINING THE CHARGES, TERMS, AND CONDITIONS ESTABLISHED FOR SUCH USE.

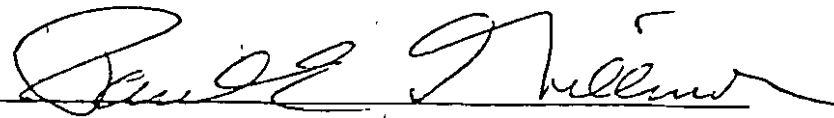
(B) THE PUBLIC UTILITIES COMMISSION SHALL REGULATE THE JUSTNESS AND REASONABLENESS OF

THE CHARGES, TERMS, AND CONDITIONS CONTAINED IN ANY SUCH TARIFF, AND MAY, UPON COMPLAINT OF ANY PERSONS IN WHICH IT APPEARS THAT REASONABLE GROUNDS FOR COMPLAINT ARE STATED, OR UPON ITS OWN INITIATIVE, INVESTIGATE SUCH CHARGES, TERMS, AND CONDITIONS AND CONDUCT A HEARING TO ESTABLISH JUST AND REASONABLE CHARGES, TERMS, AND CONDITIONS, AND TO RESOLVE ANY CONTROVERSY WHICH MAY ARISE AMONG THE PARTIES AS TO SUCH ATTACHMENT.

Sec. 4905.72. THE ANNUAL CHARGES FOR POLE ATTACHMENT AND CONDUIT USE OF EVERY TELEPHONE, TELEGRAPH, AND ELECTRIC LIGHT COMPANY, THAT IS A PUBLIC UTILITY AS DEFINED BY SECTION 4905.02 OF THE REVISED CODE, THAT ARE IN EFFECT ON JULY 1, 1981, SHALL REMAIN IN EFFECT UNTIL JUNE 30, 1982. FOR A PERIOD OF FOUR YEARS, BEGINNING JULY 1, 1982, IF THE TELEPHONE, TELEGRAPH, AND ELECTRIC LIGHT COMPANY THAT IS A PUBLIC UTILITY AS DEFINED IN SECTION 4905.02 OF THE REVISED CODE, ATTEMPTS TO ALTER ITS POLE ATTACHMENT OR CONDUIT USE ANNUAL CHARGES THE GUIDELINES FOR DETERMINING A JUST AND REASONABLE RATE WILL BE TO ASSURE THE COMPANY THE RECOVERY OF NOT LESS THAN THE ADDITIONAL COSTS OF PROVIDING POLE ATTACHMENTS NOR MORE THAN AN AMOUNT DETERMINED BY MULTIPLYING THE PERCENTAGE OF THE TOTAL USABLE SPACE, OR THE PERCENTAGE OF THE TOTAL DUCT OR CONDUIT CAPACITY WHICH IS OCCUPIED BY THE POLE ATTACHMENT, BY THE SUM OF THE OPERATING EXPENSES AND ACTUAL CAPITAL COSTS OF THE COMPANY ATTRIBUTABLE TO THE ENTIRE POLE, DUCT, CONDUIT, OR RIGHT-OF-WAY. AS USED IN THIS SECTION, "USABLE SPACE" MEANS THE SPACE ABOVE THE MINIMUM GRADE LEVEL THAT CAN BE USED FOR THE ATTACHMENT OF WIRES, CABLES, AND ASSOCIATED EQUIPMENT.

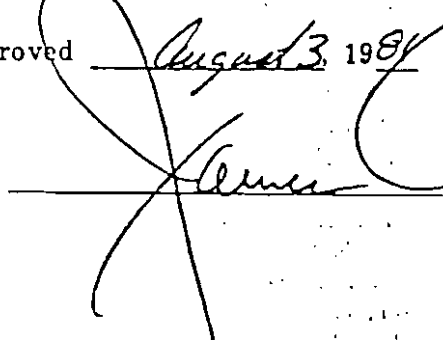
SECTION 2. Section 4905.72 of the Revised Code as enacted by this act is hereby repealed, effective five years from the effective date of this act.

  
Speaker \_\_\_\_\_ of the House of Representatives.

  
President \_\_\_\_\_ of the Senate.

Passed July 2, 1981

Approved August 3, 1981

  
Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

David A. Johnston  
Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the 3rd day of August, A. D. 1981,

Anthony J. Celello  
Secretary of State

File No. 75

Effective Date November 2, 1981